

Minutes of the Land Use, Parks and Environment Committee - February 3, 2004

The meeting was called to order at 1:15 p.m. by Chair Kolb.

Present: Chair Walter Kolb, County Board Supervisors Pauline Jaske, Scott Klein, James Jeskewitz, William Mitchell, Daniel Pavelko, Vera Stroud

Staff Present: Legislative Policy Advisor Mark Mader, Legis. Associate Sandra Meisenheimer

Also Present: Parks and Land Use Director Dale Shaver, Principal Asst. Corporation Counsel Steve Schmitz, Environmental Health Manager George Morris, Parks System Manager Jim Kavemeier, Paul Schueble (County Board Supervisor Candidate)

Approve Minutes of January 20, 2004

Motion: Jeskewitz moved, second by Mitchell, to approve the minutes of 1/20/04. **Motion carried 7 – 0.**

Executive Committee Report

Kolb reviewed items that were discussed and/or considered at the last meeting, which was yesterday February 2, 2004.

Consider Proposed Ordinance: 158-O-131 Endorse the Receipt and Expenditure of Federal Grant for Mosquito Assessment and Control Related to the West Nile and Other Mosquito-Borne Viruses that Cause Human Illness

Morris explained the ordinance, which allows the Parks and Land Use Department, Division of Environmental Health, to accept \$12,962 of federal grant funding through the Wisconsin Department of Health and Family Services. This will provide mosquito assessment and control in the City of Waukesha, City of Brookfield, City of New Berlin and Village of Menomonee Falls. The grant funds will be divided equally in the amount of \$3,204.50 per municipality.

Motion: Jaske moved, second by Jeskewitz, to approve Ordinance 158-O-131. **Motion carried 7 – 0.**

Consider Proposed Ordinance: 158-O-132 Dean Hintz Property Acquisition

Kavemeier summarized the ordinance, which authorizes the acquisition of about 2.5 acres of land for parkland and/or open space development in the Town of Vernon for a total cost not to exceed \$10,000. An additional \$1,149 is estimated for costs associated with property acquisition. There is currently sufficient unused expenditure authority in the 2004 Tarmann Fund to fund this purchase.

Motion: Klein moved, second by Pavelko, to approve Ordinance 158-O-132. **Motion carried 7 – 0.**

Consider Proposed Ordinance: 158-O-133 Approve Land Use Permit to Summerstone, Inc., for Construction, Operation, and Maintenance of Two Stormwater Drainage Culverts Within Waukesha County Bugline Recreation Trail Right-of-Way

Kavemeier reviewed the ordinance with the committee. According to the preliminary plat dated 12/19/03, the developer intends to dedicate a 5.86-acre parcel to the county in order to implement the County Park and Open Space Plan. Mader advised inserting the word “easements” after ten (10) feet wide in the first paragraph on Page 2.

Motion: Mitchell moved, second by Jeskewitz, to amend in the first paragraph on Page 2 after ten (10) feet wide, add the word “easements”, and in the same paragraph after two (2) stormwater drainage culverts, add -- “whose diameter shall not exceed twenty-six inches”. Kavemeier will provide a corrected copy so it can be mailed with the County Board agenda. **Motion carried 7 – 0.**

Motion: Mitchell moved, second by Jeskewitz, to approve Ordinance 158-O-133 as amended.
Motion carried 7 – 0.

Consider Proposed Resolution: 158-R-014 Support for Host Fee Split as Part of the Landfill Agreement for the Expansion of Orchard Ridge Recycling and Disposal Facility

Shaver and Schmitz were present. Shaver gave some background on the siting committee that both he and Schmitz were members of. Shaver explained the resolution, which supports that the host fee payments for the proposed expansion of the Orchard Ridge Recycling and Disposal Facility be allocated at 90% to the Village of Menomonee Falls and at 10% to Waukesha County. Shaver distributed two handouts: 1) Menomonee Falls Landfill Site Analysis – Ton Rate CPI 4% and two year freeze, and 2) information on the Orchard Ridge Recycling and Disposal Facility Landfill Agreement Host Fee.

Shaver said usually in a siting agreement there is a host fee which is a per ton dollar amount that gets assessed to the proposer (in this case, Waste Mgt.) for the depositing of waste in the landfill. At this time, the siting committee settled with Waste Mgt. on a starting fee of \$3.05/ton for the landfill. Shaver said typically the host fee is split between the host community where the landfill resides and those municipalities that have been part of the landfill siting process. This is where the disagreement comes in between the Village of Menomonee Falls members and Waukesha County.

Shaver stated there are three logical ways for a host fee split, which he reviewed from the handout: Alternative 1: Host fee split based on the composition of the landfill siting committee, Alternative 2: Host fee split based on the structure of the property tax, and Alternative 3: Historic host fee splits through other landfill siting agreements.

Kolb asked when the landfill was sited, did the county get involved? Shaver stated the last time a landfill agreement was negotiated in Menomonee Falls Waukesha County did not participate. This was in the early 90’s. Mitchell asked why didn’t the county participate? Shaver said what he has been able to figure out is that a piece of mail was lost and by the time it was discovered, it was too late to advance a resolution.

Shaver said there is a meeting (Village Board) this Friday (2/06/04), and he is expecting that there will be a motion on the table that will advance a host fee split. Shaver said the question came up at the Executive Committee meeting yesterday as to the value of this resolution. Given what they knew at the time it was drafted, they felt there should be some policy guidance from the county board.

Kolb stated the way he sees it, the best that the county can expect is a 95/5 split. Jeskewitz related information on why the Village vote would pass now. There are four members who would vote for the 95/5 split. Mitchell said he does not want to set a precedent with a 90/10 split if there would be other opportunities in the future, i.e., 70/30 split. Kolb said he will be voting against the resolution, and his main emphasis is for the cohesiveness in the Village to stay together. He would vote for a 95/5 split. Pavelko said he agrees with Mitchell regarding precedence.

Schmitz said he understands the committee and their concern for the precedence setting but back in August of 2003, the siting committee on a 5-1 vote did approve a 90/10% host fee split. Anytime there is a majority vote coming out of the siting committee that agreement can advance to the adopting body, which is the Village of Menomonee Falls and Waukesha County. Schmitz stated we want the Village Board to know that the County Board believes it is appropriate that there is a 90/10% split. The fact that we were not there in 1992 when this all started should not result in the unfairness of this issue.

Because the Land Use Committee is not the presenting committee for this resolution, Mader suggested that a motion be made on the Board floor if the committee so desired.

Motion: Jaske moved, second by Pavelko, to present an amendment on the Board floor saying “WHEREAS the Board intends to support the efforts and agreement of our county staff and the siting committee, those efforts are not intended to set precedence on future negotiations.” **Motion carried 6 – 1; Kolb voting no.**

Motion: Pavelko moved, second by Jaske, to approve Resolution 158-R-014. **Motion defeated 3 - 4; Kolb, Jeskewitz, Pavelko and Mitchell voting no.**

Motion to adjourn: Pavelko moved, second by Jaske, to adjourn the meeting at 3:05 p.m. Motion carried 7 – 0.

Respectfully submitted,

Pauline T. Jaske
Secretary

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